



NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

REPORT

WINTER 2015

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Synopsis of Twelve New Rules Effective in 2014

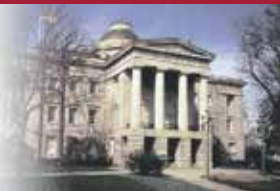
New and amended rules approved by the NC Rules Review Commission in April 2014 will revise requirements and overhaul procedures and guidelines for applicants and licensed general contractors.

The newly adopted rules actually became effective April 1, 2014 and have been implemented by the Board.

One new rule spells out procedures and special requirements for determining licensure eligibility for members of the military or military spouses (21 NCAC 12.0309). Included among the amended rules for adoption in 2014 was 21 NCAC 12.0202, Building Contractor. The amended rule clears up confusion within the regulated scope of activities allowed in the commercial building classification. Another important amended rule, 21 NCAC 12.0204 (g) sets out newly promulgated accounting and reporting standards for audited financials submitted by license applicants. Corporate license holders also will be required to notify the Board within 30 days of withdrawal of its Certificate of Authority (21 NCAC 12.0503 Renewal).

Many of the proposed rules are amendments to simplify or streamline present procedures or requirements by rule, or to make conforming changes of rules to recently enacted statutes. Rule 21 NCAC 12.0205 Filing Deadline is a conforming amendment reflecting a recent change to G.S. §87-10, extending the period of non-renewal to active from two years to four years. 21 NCAC 12.0701 and .0702 reflect a more streamlined process regarding complaints filed against licensed and non-licensed contractors. 21 NCAC 12.0103 Structure redefines the meaning of a Board quorum and Rule 21 NCAC.12.0703 Fee clarifies how bad checks written to the Board are to be handled. An amendment to 21 NCAC 12.0209 Application sets requirements for applicants or licensees to be allowed the use of only one assumed name; the name may not be confusingly similar to a name used by another licensed general contractor. 21 NCAC 12.0906 Processing of Application amends and revises the current rule to streamline procedures for review of claims submitted to the Homeowners Recovery Fund Review Committee. Finally, 21 NCAC 12.0901 Definitions more accurately describes rules references to the residential building code.

The new rules may be reviewed by visiting the Office of Administrative Hearings website, www.oah.state.nc.us/rules/register. The new rules are also available on the Licensing Board website at www.nclbgc.org.



LICENSING BOARD CALENDAR

January 1, 2015

New Year's Day/Board Office Closed

January 19, 2015

Martin Luther King Jr.'s Birthday
Board Office Closed

January 21, 2015

Regular Board Meeting

April 3, 2015

Good Friday/Board Office Closed

April 8, 2015

Regular Board Meeting

May 25, 2015

Memorial Day/Board Office Closed

July 3, 2015

Independence Day/Board Office Closed

July 15, 2015

Regular Board Meeting

September 7, 2015

Labor Day/Board Office Closed

October 14, 2015

Regular Board Meeting

November 11, 2015

Veteran's Day/Board Office Closed

November 26 & 27, 2015

Thanksgiving/Board Office Closed

December 23, 24 & 25, 2015

Christmas/ Board Office Closed

December 31, 2015

General Contractors Licenses Expire

(Board Meeting dates are subject to change)



NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

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BOARD MEMBERS

Allen Barnhill, Chairman, Tarboro
Rex Bost, Vice-Chairman, Raleigh
Bobby Lasater, P.E., Cary
Cleve Paul, Morehead City
Gray Pendleton, Raleigh
Leslie Silverstein, Raleigh
Jerry Smith, Goldsboro
Larry Watson, Blowing Rock
Carl E. Worsley, Nags Head

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Neal Conley, Secretary-Treasurer
Debbie Price, Administrative Assistant
Frances McDonald, Licensing Manager
Cherie Sutton, License
Renewal Manager
Connie Bartlett, Recovery
Fund/Renewals
Brenda Spence, Reception
Pam Tew, Licensing
Mozelle Hicks, Renewals
Amanda Carter, Licensing

INVESTIGATIONS

Susan Sullivan,
Complaints Administrator
Michael Silver, Senior Inv/Western
Joel Macon, Field Inv/South Coastal
Mike Brown, Field Inv/North Coastal
Kenneth McCombs, Field Inv/
South Central
Curtis Huff, Field Inv/North Central
Anna Baird Choi (Allen Pinnix Nichols, P.A.)
General Counsel

Board Selects Neal Conley as New Executive

At its June 11, 2014 meeting, the Licensing Board selected Neal Conley of Raleigh as the agency's new Secretary-Treasurer. Mr. Conley was hired following an executive search conducted by the Board which began in late 2013.

Mr. Conley's actual date of employment with the Board was August 1, 2014, at which time he became the Board's chief administrative officer during an executive transition. He became a North Carolina licensed architect in 1996 and was principal with the Raleigh design firm Small Kane Webster Conley Architects. Conley received his Bachelor of Architecture from North Carolina State University in 1992, and Bachelor of Environmental Design from Miami University in 1986.

Mr. Conley replaces former Secretary-Treasurer Mark Selph, who retired in October 2014.

Governor McCrory Appoints Gray Pendleton to Board

Governor Pat McCrory has appointed Raleigh businessman Gray E. Pendleton to the Licensing Board for a five-year term. Mr. Pendleton's term began January 22, 2014 and the term expires December 31, 2018. He fills the public member slot formerly held by member Susan J. Monroe, whose term expired in 2013.

Mr. Pendleton is a Financial Advisor with Pendleton Financial of Raleigh, a financial planning, wealth management and estate planning firm. From 2007 to 2010, he was financial analyst with Bank of America in Charlotte. Mr. Pendleton maintains the Accredited Investment Fiduciary® designation in addition to the Series 7 and 66 securities registrations. He is a graduate of Hampden-Sydney College.

Mr. Pendleton and his wife reside in Raleigh.



Disciplinary Action

(The following Board Orders and other Board disciplinary actions reported here are not a complete summary of all activity or a full representation of each case. Every effort is made for accuracy, but such is not guaranteed. Questions or requests for additional information about specific cases should be referred to the Board's Legal Section.)

Final Decisions

Amittay Construction, LLC, as Qualifier (Mecklenburg County, 12 C 156; Union County, 12 C 157) License No. 71110. A disciplinary hearing was conducted on August 13, 2014 and the Final Decision was entered on August 14, 2014. Amittay Construction, LLC was issued a limited building license on September 24, 2011. The license was last renewed on March 23, 2012 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct in the profession. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute misconduct in the profession. Respondent Licensee's license and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination are hereby revoked.

Brukenthal Homes, LLC and Georgian P. Sumandea-Simionescu, as Qualifier (Mecklenburg County, 11 C 214) License No. 67404. A disciplinary hearing was conducted on November 13, 2013 and the Final Decision was entered on November 19, 2013. Brukenthal Homes, LLC was issued an intermediate residential license on February 5, 2009. The license was last renewed on March 18, 2010 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct in the profession. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute misconduct

in the profession. Respondent Licensee's license and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination are hereby revoked.

Hallmark Development, Inc. and Stanley N. Robinson, as Qualifier (Henderson County, 12 C 155) License No. 40800. A disciplinary hearing was conducted on August 13, 2014 and the Final Decision was entered on August 14, 2014. Hallmark Development, Inc. was issued an intermediate building license on January 16, 1998. On February 16, 2000, the license limitation increased to unlimited. The license was last renewed on January 1, 2010 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct in the profession. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute misconduct in the profession. Respondent Licensee's license and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination are hereby revoked.

LKN Builders, LLC and Brian E. Robinett, as Qualifier (Mecklenburg County, 11 C 110) License No. 66602. A disciplinary hearing was conducted on November 13, 2013 and the Final Decision was entered on November 19, 2013. LKN Builders, LLC was issued an unlimited building license on September 4, 2008. The license was

last renewed on May 14, 2012 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct in the profession. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute misconduct in the profession. Respondent Licensee's license and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination are hereby revoked.

The Southport Cottage, Inc. and Philippe Ramon Arroyas, as Qualifier (Brunswick County, 11 C 35) License No. 64669. A disciplinary hearing was conducted on November 13, 2013 and the Final Decision was entered on November 19, 2013. The Southport Cottage, Inc. was issued an unlimited building license on November 20, 2007. The license was last renewed on March 30, 2009 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct in the profession. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute misconduct in the profession. Respondent Licensee's license and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination are hereby revoked.

Consent Orders

Britt Raymond and Britt Raymond, as Qualifier (Watauga County, 12 C 123) License No. 68870). On July 16, 2014, the Board entered into a Consent Order with Britt Raymond, as Respondent Licensee, and Britt Raymond, as Qualifier, in which the Respondent Licensee consented to take, complete and pass the NCHBA Builder Institute course CS101 Outstanding Service and submit written proof of satisfactory completion of the course to the Board within six (6) months of the Effective Date of the Consent Order. Respondent Licensee consented to pay \$2,000.00 cost recovery to the Board within thirty (30) days from the Effective Date of the Consent Order. Respondent Licensee also agreed to submit to the Board a

two-page (2) essay explaining why her conduct was in violation of the Board's statutes and rules within thirty (30) days from the Effective Date of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Creative Constructors, Inc. and Ralph A. Fucito, as Qualifier (Cumberland County, 11 C 237) License No. 51161. On April 9, 2014, the Board entered into a Consent Order with Creative Constructors, Inc., as Respondent Licensee, and Ralph A. Fucito, as Qualifier, in which the Respondent Licensee consented to a period of suspension of one (1) year commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the

license shall be conditionally restored upon a six (6) month period of active suspension. Respondent Licensee also consented to pay \$3,000.00 cost recovery to the Board within thirty (30) days from the Effective Date of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Disaster Restoration Services Corp. and Scott Creamer, as Qualifier (Davie County; 11 C 210 and 11 C 227) License No. 56042. On January 22, 2014, the Board entered into a Consent Order with Disaster Restoration Services Corp., as Respondent Licensee, and Scott Creamer, as Qualifier, in which the Respondent Licensee consented to a period of suspension of six (6) months

Definitions

Consent Order: An order of the Board resulting from an agreement between the Board and a licensee regarding the revocation or suspension of the license to practice general contracting, or the conditions, limitations or restrictions placed on that license. This is a method of resolving or settling disciplinary or contested cases in lieu of a disciplinary hearing.

Revocation: A Board action which permanently terminates a license by effectively withdrawing that license to practice general contracting.

Suspension: A Board action which inactivates a license to practice general contracting for a set period of time.

Dismissal/Voluntary Dismissal: A Board action dismissing a contested case, resulting in no disciplinary action against the licensee or Respondent.

Voluntary Surrender: A licensee's relinquishing or tendering of the license to practice general contracting, pending an investigation or other action by the Board.

Reprimand: A Board action wherein the licensee and/or qualifier is/are reprimanded for disciplinary purposes. The Reprimand becomes a permanent record in the file and is subject to approval by the licensee/qualifier in lieu of being referred to the full Board for formal proceedings.

Admission of Violation: A document signed by a licensee who admits to the stated violations, agrees not to repeat them, but acknowledges that the Board may use the document against the licensee prospectively should such action become necessary.

Injunction: A Superior Court order entered against an unlicensed contractor who is illegally practicing general contracting. Such an order stops the illegal practice and can be obtained by consent of a cooperating contractor or by default judgment; violation of the injunction is contempt of court.

Code: Provisions of the North Carolina State Building Code (Residential/Vol. VII and previous editions; General Construction/Vol. I).

commencing upon the Effective Date of the Consent Order. Respondent Licensee agreed to take, complete and pass the Law and Administration course provided by the NC Code Officials Qualification Board and submit written proof of satisfactory completion of the course to the Board within twelve (12) months from the Effective Date of the Consent Order. Respondent Licensee also consented to pay \$2,000.00 cost recovery to the Board within three (3) months from the Effective Date of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Edge Construction Company, Inc. and John D. Edge, III, as Qualifier (Madison County, 12 C 105) License No. 33084. On January 22, 2014, the Board entered into a Consent Order with Edge Construction Company, Inc., as Respondent Licensee, and John D. Edge, III, as Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored. Respondent Qualifier entered into a Consent Order agreeing

to the same terms as those consented to by Respondent Licensee.

Edward Dale Kirby and Edward Dale Kirby, as Qualifier (Moore County, 13 C 68) License No. 58848. On October 8, 2014, the Board entered into a Consent Order with Edward Dale Kirby, as Respondent Licensee, and Edward Dale Kirby, as Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. Respondent Licensee consented to pay \$1,000.00 cost recovery to the Board within sixty (60) days from the date the Board approved the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Kris M. Johnson Custom Home Builders, Inc. and Kris M. Johnson, as Qualifier (Brunswick County, 13 C 39) License No. 41380. On October 8, 2014, the Board entered into a Consent Order with Kris M. Johnson Custom Home Builders, Inc., as Respondent Licensee, and Kris M. Johnson, as Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date

of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored. Respondent Licensee also consented to pay \$2,000.00 cost recovery to the Board within ninety (90) days from the Board's approval of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Larry Wallace Building Contractor, Inc. and Larry Dale Wallace, as Qualifier (Person County, 12 C 106) License No. 35028. On July 16, 2014, the Board entered into a Consent Order with Larry Wallace Building Contractor, Inc., as Respondent Licensee, and Larry Dale Wallace, as Qualifier, in which the Respondent Licensee consented to a period of suspension of twenty-four (24) months. The suspension was stayed and the license was conditionally restored following a six (6) month period of active suspension which commenced on May 1, 2014. Respondent Licensee consented to submit to the Board within one (1) month of the Effective Date of the Consent Order written proof that on or after January 1, 2014, he took and satisfactorily completed the Law and Administration course provided by the Department of Insurance, NC Code Officials Qualification Board.





Respondent Licensee consented to pay \$1,500.00 cost recovery to the Board within four (4) months from the Effective Date of the Consent Order. Respondent Licensee agreed that within one (1) month from the Effective Date of the Consent Order, he would submit written documentation to the Board that all outstanding projects are current within normal progress. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Level Construction of NC, LLC and William David Matthews, as Qualifier (Davidson County, 13 C 154) License No. 58003. On October 8, 2014, the Board entered into a Consent Order with Level Construction of NC, LLC, as Respondent Licensee, and William David Matthews, as

Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing on October 1, 2014. By consent, the suspension was stayed and the license shall be conditionally restored upon a six (6) month period of active suspension. Within thirty (30) days from the date on which the Board approved the Consent Order, Respondent Licensee shall pay \$3,000.00 cost recovery to the Board. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Maebuilt, Inc. and Jeffrey Lee McGarry, II, as Qualifier (Cumberland County, 11 C 182) License No. 66722. On October 8, 2014, the Board entered into a Consent Order with Maebuilt, Inc., as Respondent

Licensee, and Jeffrey Lee McGarry, II, as Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored upon a two (2) month period of active suspension. Respondent Licensee agreed to take, complete and pass the LD302 Ethics and Principles course offered by the North Carolina Home Builders Association, NC Builder Institute and submit to the Board written proof of satisfactory completion of the course within twelve (12) months from the Effective Date of the Consent Order. Respondent Licensee consented to pay \$3,000.00 cost recovery to the Board within three (3) months from the date on which the Board approved the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Malcolm Ray Hicks, Jr. t/a M & H Builders and Malcolm Ray Hicks, Jr., as Qualifier (Union County; 12 C 135) License No. 62139. On April 9, 2014, the Board entered into a Consent Order with Malcolm Ray Hicks, Jr. t/a M & H Builders, as Respondent Licensee, and Malcolm Ray Hicks, Jr., as Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license shall be conditionally restored upon a six (6) month period of active suspension. Respondent Licensee also consented to pay \$2,000.00 cost recovery to the Board within thirty (30) days from the Effective Date of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Patricia Carol Tipton and Patricia Carol Tipton, as Qualifier

(Buncombe County, 12 C 129) License No. 41298. On July 16, 2014 the Board entered into a Consent Order with Patricia Carol Tipton, as Respondent Licensee and Qualifier, in which Respondent Licensee consented to a period of suspension of six (6) months. By consent, the suspension shall be stayed and the license conditionally restored upon a three (3) month period of active suspension commencing on November 12, 2014. Respondent Licensee agreed the period of active suspension shall be served only while the license is in active status. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee agreed to take and pass course LD302 entitled "Ethics and Principles" offered by the NC Homebuilders Association, Home Builders Institute, and submit to the Board written proof of satisfactory completion of the course. Respondent Licensee/Qualifier also consented to pay \$2,000.00 cost

recovery to the Board within thirty (30) days from the Effective Date of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

R & R Builders Company of North Carolina and Richard Morgan Riddle, as Qualifier (Watauga County, 11 C 232) License No. 64361. On April 9, 2014 the Board entered into a Consent Order with R & R Builders Company of North Carolina, as Respondent Licensee, and Richard Morgan Riddle, as Qualifier, in which Respondent Licensee consented to one (1) year probation. Respondent Licensee also consented to pay \$5,000.00 cost recovery to the Board within three (3) months from the Effective Date of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Randy C. Huffman and Randy Clyde Huffman, as Qualifier (Wilkes County, 11 C 210 and 12 C 120) License No. 62744. On April 9, 2014, the Board entered into a Consent Order with Randy C. Huffman, as Respondent Licensee, and Randy Clyde Huffman, as Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored upon a six (6) month period of active suspension. Upon renewal of his license, Respondent Licensee consented to submit an audited financial statement. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Shining Rock, Inc. and Ronald Jon Hawley, as Qualifier (Macon County, 11 C 115 and Swain County, 12 C 195) License No. 50382. On January 22, 2014, the Board entered



into a Consent Order with Shining Rock, Inc., as Respondent Licensee, and Ronald Jon Hawley, as Qualifier, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension was stayed and the license conditionally restored. Respondent Licensee also consented to pay \$2,000.00 cost recovery to the Board within (30) days from the Effective Date of the Consent Order. Respondent Qualifier entered into a Consent Order agreeing to the same terms as those consented to by Respondent Licensee.

Voluntary Surrenders

Benjamin Lewis Barnes, II, as Qualifier (Onslow County, 12 C 19) License No. 61160. On May 9, 2014, Respondent Licensee Benjamin Lewis Barnes, II voluntarily surrendered its license to the Board. Respondent Qualifier Benjamin Lewis Barnes, II voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

C. Eric Tsitouris and Christopher Eric Tsitouris, as Qualifier (Union County, 11 C 149) License No. 39489. On November 11, 2013, Respondent Licensee C. Eric Tsitouris voluntarily surrendered its license to the Board. Respondent Qualifier Christopher Eric Tsitouris voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

Charles Allen Ratley, Jr. and Charles Allen Ratley, Jr., as Qualifier (Cumberland County, 11 C 108) License No. 62763. On August 11, 2014, Respondent Licensee Charles Allen Ratley, Jr. voluntarily surrendered its license to the Board. Respondent Qualifier Charles Allen Ratley, Jr. voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

Gerald R. Connor t/a Connor's Electrical Service Co. and Gerald R. Connor, as Qualifier (Rutherford County, 12 C 112 and 12 C 113) License No. 42152. On January 28, 2014, Respondent Licensee Gerald R. Connor t/a Connor's Electrical Service Co. voluntarily surrendered its license to the Board. Respondent Qualifier

Gerald R. Connor voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

Kevin J. Annas, Inc. t/a Providence Home Builders and Kevin James Annas, as Qualifier (Caldwell County, 13 C 75; Burke County 13 C 116) License No. 55470. On August 1, 2014, Respondent Licensee Kevin J. Annas, Inc. t/a Providence Home Builders voluntarily surrendered its license to the Board. Respondent Qualifier Kevin J. Annas voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

LaDonn Edward Simpson and LaDonn Edward Simpson, as Qualifier (Onslow County, 11 C 147) License No. 63762. On February 10, 2014 Respondent Licensee LaDonn Edward Simpson voluntarily surrendered its license to the Board. Respondent Qualifier LaDonn Edward Simpson voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.





Lynn Cliff, Inc. and Clifton Ray Moore, as Qualifier (Johnston County, 09 C 281 and 09 C 286) License No. 35068. On February 6, 2014, Respondent Licensee Lynn Cliff, Inc. voluntarily surrendered its license to the Board. Respondent Qualifier Clifton Ray Moore voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

Peter A. Brewer Construction, Inc. and Justin Andrew Brewer & Peter A Brewer, as Qualifiers (Wake County, 11 C 233) License No. 40782. On July 9, 2014, Respondent Licensee Peter A. Brewer Construction, Inc. voluntarily surrendered its license to the Board. Respondent Qualifier Peter A. Brewer voluntarily surrendered his examination credentials to the Board. On July 10, 2014, Respondent Qualifier Justin Andrew Brewer voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license

and surrender of examination credentials as a permanent revocation.

Shrum Incorporated and Claude Ray Shrum, as Qualifier (Catawba County, 12 C 29) License No. 59673. On January 22, 2014, the Board entered into a Consent Order with Shrum Incorporated, as Respondent Licensee, in which the Respondent Licensee consented to voluntarily surrender its license to the Board. Claude Ray Shrum, as Qualifier consented to surrender his examination credentials to the Board. The Board considers surrender of a license and examination credentials as a permanent revocation.

Willie Henderson and Willie Henderson, as Qualifier (Vance County, 12 C 250) License No. 29886. On August 5, 2014, Respondent Licensee Willie Henderson voluntarily surrendered its license to the Board. Respondent Qualifier Willie Henderson voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license

and surrender of examination credentials as a permanent revocation.

Bobby John Lamm, Jr. (Wake Co.; 14 C 07) License No. 42227 – On February 28, 2014, Respondent Licensee Bobby John Lamm, Jr. voluntarily surrendered his license to the Board. The Board considers surrender of license as permanent revocation.

Colvot Construction, Inc. and Adam Ray Colson, as Qualifier (Pasquotank Co.; 13 C 234) License No. 62949 – On February 28, 2014, Respondent Licensee voluntarily surrendered its license to the Board. Respondent qualifier Adam Ray Colson voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

Commercial Contractors Inc. of N.C. (Pender Co.; 12 C 175, 14 C 134) License No. 64642- On September 15, 2014, Respondent licensee voluntarily surrendered its license to the Board.

The Board considers surrender of license as permanent revocation.

Donald Ray Daniels and Donald Ray Daniels, as Qualifier (Pitt Co.; 13 C 206) License No. 58228 – On March 26, 2014, Respondent Licensee Donald Ray Daniels voluntarily surrendered his license to the Board. Respondent Qualifier Donald Ray Daniels voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and surrender of examination credentials as a permanent revocation.

Reprimands

Paul Davis Restoration of the Carolina Coast (Pitt County, 12 C 73) License No. 68234).

Daniel P. Sanner (Buncombe County; 13C177) License No. 26259.

Outdoor Woodworks, Inc. (Mecklenburg County; 13C01) License No. 65914.

Kustom US, Inc. (Wake County; 14C31) License No. 62536.

BCR of the Triangle, LLC (Chatham County; 12C154) License No. 68870.

M & A Building Contractors (Moore County; 13C53) License No. 9193.

Monolith Hospitality, LLC (Craven County; 13C160) License No. 66803.

Craig Shoe, Inc. (Cumberland County; 13C92) License No. 41124.

Ron Johnston Complete Remodeling (Brunswick County; 13C105) License No. 53253.

S. Hugh Vernelson, Jr. (Craven County; 13C132) License No. 36681.

Elite Homes, Inc. (Carteret County; 13C138) License No. 53940.

Jeffrey Wayne Best (Wilson County; 13C217) License No. 38989.

Wendell Carson, Jr. t/a Workpros (Stanley County; 14C39) License No. 73138

CH and Sons Construction, Inc. (Forsyth County; 13C96) License No. 61226.

Derrick M. Bennett (Northampton County; 14C41) License No. 54575.

Bronzie Harold Lawson, IV (Hoke County; 13C157) License No. 69554.

David Calloway Builders, Inc. (Davie County; 13C230) License No. 53619.

N.C. Sunset Builders & Millbrook Log Homes, Inc. (Haywood County; 14C47) License No. 60813.

Hoyt Graham, Jr. t/a S & G Builders (Columbus County; 13C187) License No. 28837.

Laurel Ridge Builders, Inc. (Watauga County; 14C48) License No. 61713.



Gregory B. Lane, Jr. (Craven County; 14C13) License No. 59934.

PDL Construction, LLC (Chatham County; 13C174) License No. 71783.

DRK & Associates I, LLC (Mecklenburg County; 14C60) License No. 63169.

Consent Orders (Unlicensed Contractors)

Permanent Injunctions were obtained by entry of a Consent Order in Wake County Superior Court concerning each of the following unlicensed contractors who practiced general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13, but who agreed to be enjoined, paid court costs and service fees and cooperated with the Board in the matter.

Carnell Terry d/b/a Terry's Home Improvement (Vance County). Carnell Terry contracted with a homeowner to construct an addition onto a home for a cost of \$40,000.00. Terry was unaware that his actions would be deemed the unauthorized practice of general contracting as the original cost of the job was less than \$30,000.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on February 25, 2014.

Drew Lutheran d/b/a Southern Enclosures and Southern Glass & Enclosures, Inc. (Carteret and Onslow Counties). Drew Lutheran and Southern Glass & Enclosures, Inc. contracted with two homeowners to construct pools and ancillary structures for costs of \$47,720.00 and \$65,000.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on February 26, 2014.

Blue Water Marine Construction, Inc. (Carteret County). On May 14, 2013, Blue Water marine Construction, Inc. submitted an estimate to replace a floating dock system for a price allegedly in excess of \$30,000.00, said allegation being disputed by Blue Water Marine Construction, Inc. Blue Water Marine Construction, Inc. did not intend to engage in the unauthorized practice of general contracting. The parties agreed and stipulated to the above findings of fact and agreed to

be bound by the terms of a Consent Order entered on February 26, 2014.

Jack Boyd d/b/a Boyd's Restoration (Brunswick County; 13 C 38). On February 3, 2013, Jack Boyd signed a Building Permit Application for the Town of Holden Beach seeking a permit to repair a home for a cost of \$63,000.00. Boyd was unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the above findings of fact and agreed to



be bound by the terms of a Consent Order entered on March 24, 2014.

Sellers, Inc. d/b/a HomeQuest (Alamance County; 12C 241 and 254). On November 1, 2011, Sellers, Inc. contracted with homeowners to renovate a home in Burlington, North Carolina for a cost of \$61,026.44. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on April 3, 2014.

Waylon Scott Donathan d/b/a Donathan Grading & Septic Tank Service (Moore County; 13 C 41). On September 20, 2011, Waylon Scott Donathan submitted a building permit application to Moore County to construct a home in Cameron, North Carolina. Defendant listed a licensed general contractor on the permit application, but that contractor did not undertake the construction. Another licensed general contractor ultimately undertook the work; however, Donathan called for inspections and assisted with the management of the project as the homeowner's representative. Donathan denies that he engaged in the unauthorized practice of general contracting. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on May 15, 2014.

Scott Randolph d/b/a Randolph Restoration (Randolph County; 13 C 83). In January 2013, Scott Randolph contracted with homeowners to repair a fire-damaged home in Trinity, North Carolina for an approximate cost of \$161,508.95. Defendant undertook the work and hired and paid subcontractors. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on May 15, 2014.

Will Kilpatrick and Kilpatrick Service Group, LLC (Transylvania County; 13 C 163). In June 2011, Will Kilpatrick obtained a building permit from Transylvania County to construct a deck onto a residence in Lake Toxaway, North Carolina for a cost of \$4,150.00. Will Kilpatrick and Kilpatrick Service Group, LLC thereafter remodeled the home and were paid \$174,224.31 by the homeowners. The amount paid by the homeowners was in excess of the amount warranted by the scope of work performed. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on May 15, 2014.

Maurice Panzino (Mecklenburg County; 13 C 59). Maurice Panzino contracted with a Condominium Association to repair and reroof eleven condominium buildings for a cost of \$529,275.00. Panzino was unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on June 3, 2014.

Carolina Roofing and Construction Services, Inc. d/b/a RoofXpress (Cumberland County; 13 C 03). From

July 26, 2012 to October 17, 2012, Carolina Roofing and Construction Services, Inc. provided five estimates to re-roof buildings ranging in cost from \$35,823.25 to \$301,513.39. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on June 3, 2014.

Steven Garner d/b/a Value Added Construction (New Hanover County; 13 C 67). On January 1, 2011, Steven Garner submitted a Proposal to upfit a restaurant in Wilmington, North Carolina for a cost of \$26,407.00. Garner undertook the work, and subsequent change orders increased the cost of the project to \$31,560.32. Garner was unaware that his actions would be deemed the unauthorized practice of general contracting as the original cost of the job was under \$30,000.00. On June 15, 2010, Garner contracted with a third party to renovate a movie theater in Wilmington, North Carolina for a cost in excess of \$30,000.00. Garner believed that the third party: (a) was the general contractor on the renovation project; (b) was authorized to practice general contracting in this State; (c) had obtained all requisite permits for the renovation project; and (d) had hired him as a subcontractor to perform work on the project. However, unknown to Garner, the third party





was not authorized to practice general contracting in this State and had not obtained the requisite permits. Garner fully cooperated with the Board's investigation in this matter, and did not intend to violate the laws of this State. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on June 6, 2014.

Anthony Phipps (Cumberland County; 14 C 09). Anthony Phipps submitted a Proposal to remodel a commercial establishment for a cost of \$57,000.00. Phipps undertook the work and was paid \$43,150.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on September 16, 2014.

Erik Joseph Simpson d/b/a Remodeling by Erik (Brunswick County; 14 C 33). Erik Joseph Simpson submitted a quote to a homeowner to remodel a home in Oak Island, North Carolina for a cost of \$60,624.15. Simpson submitted a building permit application to the Town of Oak Island stating that the total project cost was \$25,000.00. Simpson submitted additional quotes to the homeowner, and he was ultimately paid \$82,099.52. The parties agreed and stipulated to the above findings of fact and agreed to be

bound by the terms of a Consent Order entered on October 6, 2014.

Lloyd Ebron d/b/a Ebron Home Improvement & Repairs (Pitt County; 14 C 91). Lloyd Ebron contracted with a homeowner to repair and renovate a home in Greenville, North Carolina for a cost in excess of \$30,000.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on October 6, 2014.

Johnathan Wayne Wilson and Joe Wilson d/b/a Wilson Home Improvement (Harnett County; 13 C 141). Johnathan and Joe Wilson provided a written estimate to a homeowner in Harnett County to construct a 2-car garage with a bedroom/bath for a cost of \$59,925.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of a Consent Order entered on October 9, 2014.

Unlicensed Contractor Cases — Injunctions

Permanent Injunctions were obtained by entry of a Default Judgment or a Summary Judgment in Wake County Superior Court against each of the unlicensed contractors listed below for practicing general contracting in an

amount of \$30,000 or more, in violation of N.C.G.S. § 87-13. In some instances, the Sheriff was unable to locate the contractors and/or Certified Mail was not delivered, but the Board effected service either by newspaper publication or through the Secretary of State; nevertheless, the contractors were enjoined from further practice of general contracting (including bidding) in an amount of \$30,000 or more until such time as he/she/it becomes licensed by the Board.

Larry Caldwell d/b/a Caldwell By Design (Mecklenburg County 10 C 212). On September 22, 2008, Larry Caldwell contracted with a homeowner to remodel a home in Huntersville, North Carolina for a cost of \$71,500.00. Default Judgment was entered on November 12, 2013.

Russell Enterprises, LLC (Beaufort County; 12C 249). On August 30, 2012, Russell Enterprises, LLC submitted a Proposal and Contract to the North Carolina Department of Environment and Natural Resources for the Flatty Creek Boardwalk Replacement. The bid was in the amount of \$36,700.00. Default Judgment was entered on June 25, 2014.

Timothy Thompson and Harvey Steven Bottoms d/b/a C & M

Construction and d/b/a C & M Construction and Demolition, LLC and d/b/a C & M Roofing & Construction (Richmond County; 13 C 66). On March 7, 2013, Timothy Thompson and Harvey Steven Bottoms contracted with a homeowner to repair a home in Richmond County for a cost of \$31,000.00. Thompson and Bottoms undertook the work and the amount charged was not commensurate with the work performed. Default Judgment was entered on June 25, 2014.

David Lee d/b/a The Property Pro (Wake County; 12 C 134). On December 9, 2010, David Lee contracted with a homeowner to remodel a home in Raleigh, North Carolina for a price of \$49,487.00. Default Judgment was entered on June 25, 2014.

Christopher Beard d/b/a Oakfield Builders (Cumberland County; 12 C 186). On June 7, 2012,

Christopher Beard undertook renovations of a home in Stedman, North Carolina and was paid \$38,001.00. Default Judgment was entered on June 25, 2014.

Bruce Locklear and Goldcraft Home Builders, LLC (Onslow County; 12 C 177). On May 8, 2012, Bruce Locklear obtained a building permit from the Town of Surf City to construct a single family dwelling for an estimated cost of \$133,575.00. Locklear listed a licensed general contractor as the general contractor on the building permit application without the licensed contractor's knowledge or consent. Goldcraft Home Builders, LLC then undertook the construction. Additionally, on June 28, 2012, Bruce Locklear obtained a building permit from Pender County to construct a single family dwelling for an estimated cost of \$193,740.00. Locklear listed another licensed general contractor as the general contractor on the permit application.

An officer of the licensed contractor authorized Locklear to list the licensed contractor as the general contractor for the project; however, that officer did so without the knowledge or consent of the general contractor's Manager or qualifier. Goldcraft Home Builders then undertook construction until it was taken over by a licensed contractor. Default Judgment was entered on June 25, 2014.

Statewide Roofing & Restoration, LLC (Craven County). From September 21, 2011 to October 21, 2011, Statewide Roofing and Restoration, LLC contracted with three homeowners to repair storm-damaged homes and townhomes for costs ranging from \$42,716.00 to \$138,820.24. Default Judgment was entered on June 25, 2014.

Robert Ryan and Impact Home Solutions, Inc. (Cumberland County). On April 11, 2011, Defendant Impact Home Solutions, Inc. contracted



with homeowners to construct an addition onto a home in Fayetteville for a cost of \$83,095.00. On April 22, 2011, Defendant Impact Home Solutions, Inc. entered into a second contract with the homeowners for renovations in the amount of \$74,420.00. Both agreements were signed by Defendant Ryan who facilitated the unlicensed practice of general contracting by Impact Home Solutions, Inc. Default Judgment was entered on August 21, 2014.

Unlicensed Contractors Subject to Contempt Sanctions:

Civil Contempt

On June 22, 2006, Wake County Superior Court entered a Consent Order which enjoined **Fred Bethune d/b/a American Handicraft** from practicing general contracting in North Carolina unless and until such time as he was properly licensed.

On May 10, 2013, Fred Bethune via American Handicraft USA, Inc. contracted with a homeowner to construct an addition onto a home in Fayetteville, North Carolina for a cost of \$33,500.00. Bethune willfully failed to comply with the June 22, 2006 Consent Order in that he contracted for and undertook construction where the cost exceeded \$30,000.00 without first obtaining a valid license. Mr. Bethune acknowledged that he was perpetually enjoined and restrained from practicing general contracting in North Carolina unless and until such time as he was issued a contractor's license. In a Consent Order signed by a Wake County Superior Court Judge on May 15, 2014, Mr. Bethune admitted to Civil Contempt of Court of the Court's June 22, 2006 Order and agreed to make restitution to the homeowner in order to purge himself of the contempt.

Criminal Contempt

(1) On May 10, 2001, Wake County Superior Court entered a Consent Order which enjoined **Jackie McNeill** from practicing general contracting in North Carolina unless and until such time as he was properly licensed. On April 3, 2007, the Court entered a Consent Order Holding McNeill in civil contempt of court for violating the terms of the May 10, 2001 Consent Order.

In September 2011, Jackie McNeill agreed to construct a 1000 square foot home for a homeowner for a cost of \$45,000.00.

McNeill willfully failed to comply with the May 10, 2001 Consent Order in that he undertook construction where the cost exceeded \$30,000.00 without first obtaining a valid license. McNeill acknowledged that he was perpetually enjoined and restrained from practicing general contracting in North Carolina unless and until such time as he was issued a contractor's license.

In a Consent Order signed by a Wake County Superior Court Judge on April 21, 2014, McNeill was found guilty of Criminal Contempt of the Court's May 10, 2001 Order. He was sentenced to a term of imprisonment of thirty (30) days in the Wake County Jail. The 30-day sentence was suspended on the condition that he serve 5 days in the Wake County Jail, pay the costs of investigation and prosecution of the case and not engage in the further practice of general contracting.

(2) On September 23, 2011, Wake County Superior Court entered a Consent Order which enjoined **Larry William Birchfield** from practicing general contracting in North Carolina unless and until such time as he was properly licensed.

On August 31, 2011, Birchfield contracted with homeowners to construct a log home in Rutherford County for a cost of \$156,000.00. Permits for the home were obtained on October 11, 2011. Near the end of construction, in the spring of 2012, Birchfield had the homeowners sign a second contract backdated to August 31, 2011 purporting to show that a licensed general contractor was serving as the general contractor for the project, despite the fact that Birchfield superintended and managed the project and was paid by the homeowners.

Birchfield willfully failed to comply with the September 23, 2011 Consent Order in that he undertook construction where the cost exceeded \$30,000.00 without first obtaining a valid license. Birchfield acknowledged that he was perpetually enjoined and restrained from practicing general contracting in North Carolina unless and until such time as he was issued a contractor's license.

In a Consent Order signed by a Wake County Superior Court Judge on October 13, 2014, Birchfield was found guilty of Criminal Contempt of the Court's September 23, 2014 Order. He was sentenced to a term of imprisonment of thirty (30) days in the Wake County Jail. The 30-day sentence was suspended on the condition that he serve 8 days in the Wake County Jail, pay the costs of investigation and prosecution of the case and not engage in the further practice of general contracting.





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